

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

@Communications, Inc. Petition for
Declaratory Ruling

CC Docket No. 02-4

COMMENTS OF VERIZON

@Communications has filed a Petition for Declaratory Ruling against Sprint concerning a dispute over the pricing of certain facilities provided by Sprint in North Carolina. These facilities are used by @Comm to transport calls to and from an interconnection point @Comm established that is located outside Sprint's local calling area. @Comm believed that the matter related only to itself and Sprint and required no public comment.¹ Verizon² agrees with Sprint that the matters raised in the Petition are of general applicability to ILECs and CLECs and that they would best be resolved in a broader proceeding than one involving a particular dispute in an individual State.

The Commission itself has recognized the need to address these issues, as it included them in its Notice of Proposed Rulemaking on intercarrier compensation.³ Thus, the Commission asked:

¹ @Comm at iii. The petition was filed instead of a formal complaint against Sprint after the Commission denied @Communications' request for accelerated docket treatment.

² The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc., listed in Attachment A.

³ *Developing a Unified Intercarrier Compensation Regime*, 16 FCC Rcd 9610 ¶¶ 112-14 (2001).

“If a carrier establishes a single POI in a LATA, should the ILEC be obligated to interconnect there and thus bear its own transport costs up to the single POI when the single POI is located outside the local calling area? Alternatively, should a carrier be required either to interconnect in every local calling area, or to pay the ILEC transport and/or access charges if the location of the single POI requires the ILEC to transport a call outside the local calling area?”⁴

Numerous parties (both ILECs and CLECs) commented on these questions in that proceeding.

The comment period concluded several months ago. While the Commission is deliberating this matter based on its exhaustive record, no purpose would be served in duplicating that effort in a separate proceeding.

At the same time, we should note that @Comm is dead wrong in its interpretation of current rules. Even if a carrier is permitted to designate a single interconnection point in a LATA, that does not mean that the carrier gets free transport to distant local calling areas. Quite the contrary, the Commission has clearly stated, “Of course, a requesting carrier that wishes a ‘technically feasible’ but expensive interconnection would, pursuant to section 252(d)(1), be required to bear the cost of that interconnection, including a reasonable profit.”⁵ And it has applied this general principle to transport costs like those involved in the @Comm-Sprint dispute by recognizing that where an ILEC provided a single interconnection point in a LATA, the CLEC would have to pay for transport, provided either by the CLEC or a third party or by using ILEC dedicated or common transport.⁶ If the Commission were to act separately on @Comm’s petition, it would have to dismiss it on the merits.

⁴ *Id.* ¶ 113.

⁵ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 15499 ¶ 199 (1996).

⁶ *Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long*

Finally, it should be noted that @Comm admits that “[a] substantial portion of the traffic in question will be ISP-bound traffic.”⁷ This traffic, of course, is not local in nature and, therefore, not subject to the Commission’s rules for local interconnection, making @Comm’s reliance on those rules⁸ misplaced.⁹

For these reasons, the Commission should dismiss this petition.

Respectfully submitted,

/S/

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Distance pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services In Texas, 15 FCC Rcd 18354 ¶ 78 n.174 (2000).

⁷ Petition at 3 n.2.

⁸ *E.g.*, Petition at 13-16.

⁹ It is also apparent that other traffic on these facilities would be interexchange and not subject to the local interconnection and compensation regime.

THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Midwest Incorporated d/b/a Verizon Midwest
GTE Southwest Incorporated d/b/a Verizon Southwest
The Micronesian Telecommunications Corporation
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Hawaii Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.